HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 12629, 12835, 12843 and 13017 OF 1995

DATED: 14.11.2006

W.P.No.12629 of 1995

Between:

J. Ismail and others

… Petitioners

and

The Zonal Manager, FCI and another

… Respondents

W.P.No.12835 of 1995

Between:

SK. Fareed and another

… Petitioners

and

The Zonal Manager, FCI and another

… Respondents

W.P.No.12843 of 1995

I. Sivaram Prasad

… Petitioner

and

The Zonal Manager, FCI and another

… Respondents

W.P.No.13017 of 1995

Shaik Abdul Salam and others

… Petitioners

and

The Zonal Manager, FCI and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.12629, 12835, 12843 and 13017 of 1995

COMMON ORAL ORDER:

The petitioners in these writ petitions are working as Assistants Grade-III (Depot) in the Food Corporation of India. The petitioners were appointed to service of the Corporation in various initial categories such as; watchman and the like after possession of SSC or equivalent qualifications. They claim to have become eligible for promotions as Assistants Grade-III under a 30% quota, on the basis of their seniority, in 1994. They were accordingly promoted as Assistants Grade-III by proceedings dated 23.8.1994 of the Deputy Manager (Personnel), the proceedings issued on behalf of the Deputy Zonal Manager.

While so, by the proceedings dated 13.6.1995, 28 persons promoted as Assistants Grade-III (Depot) were reverted to their respective Class-IV posts canceling the promotion orders earlier issued in August 1994. The petitioners are among the persons so reverted and promotions cancelled. The cancellation has been done without notice and opportunity to them on the basis of certain

interim orders dated 2.11.1993 and 22.12.1993 passed by this court in WPMP No.20624 of 1993 in W.P.No.16311 of 1993.

The petitioners herein assail the cancellation contending that neither W.P.No.16311 of 1993 nor the interim orders passed therein have a relation or nexus to the petitioners' promotion as Assistants Grade-III. They assert that all of them were duly and regularly promoted as Assistants Grade-III under the 30% quota, on the basis of seniority and on an assessment of their eligibility namely; possessing of SSC or equivalent qualification. The petitioners also assert (para 12) that their promotions were made on the basis of South Zone seniority consisting of States of A.P., Karnataka, Tamilnadu and Kerala, whereas the writ petitioners and the party respondents in W.P.No.16311 of 1993 belong to Kurnool District of Andhra Pradesh and the writ petition pertains to a seniority dispute between the petitioners and party respondents in that writ petition. It is also alleged that in W.P.No.16311 of 1993 the dispute is regarding the promotion from the category of watchman to head watchman or Dusting Operator, whereas the petitioners were promoted from Category-IV posts, as Assistants Grade-III. The issues in W.P.No.16311 of 1993 have no nexus or effect on the petitioners' promotion, is the contention.

To these writ petitions filed in 1995, there is no counter filed by the respondents for over a decade now. The respondents have been duly served, but there is no traverse of the allegations in the

writ petition.

In the facts and circumstances of these cases, the inference is compelling that the petitioners were duly promoted as Assistants Grade-III; that the issues in W.P.No.16311 of 1993 or the interim orders passed therein do not effect the validity of the petitioners promotions in August 1994; that the impugned order of cancellation of earlier promotion and consequent reversion to Class-IV posts was passed without notice or opportunity to the petitioners and therefore in violation of the principles of natural justice and the impugned order dated 13.6.1995 is therefore invalid and unsustainable.

For the aforesaid reasons, the writ petitions are allowed. As the impugned order is issued by the 1st respondent in gross violation of the principles of natural justice and there is no justification by way of a counter affidavit either to these writ petitions, this court considers it appropriate to allow the writ petitions with costs of Rs.2,500/- in each of the writ petitions, payable by the respondents to the Secretary, A.P. State Legal Services Authority, Hyderabad, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is allowed with costs as above. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 14.11.2006

Note: A copy of this order be marked to the Secretary, A.P. State Legal Services Authority, Hyderabad, for information and record.

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